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REMARKS

Claims 1 and 11, as amended, remain herein. Claims 2-10 and 12-20 remain herein but are presently withdrawn from consideration.

Minor, editorial changes have been made in claims 1 and 11.

1. The finality of the restriction requirement is acknowledged.

2. Objections were stated to the drawings. Submitted herewith are copies of Figures 28-30 revised to include the Prior Art legend. Withdrawal of the objection to the drawings is respectfully requested.

3. Claims 1 and 11 were rejected under 35 U.S.C. §101. The Office Action alleges that claims 1 and 11 do not apply, involve, use or advance the technological arts, or produce a useful, concrete and tangible result, since all of the recited steps allegedly can be performed in the mind of the user or by use of paper and pencil. Applicants respectfully disagree.

Both claims 1 and 11 recite reading a slip using a reader at an order window and entering the read information into a

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register, thereby identifying the customer at the order window with order contents read from the slip. The recited "reader" is construed to be an electronic tool having an optical reader function, as described in applicants' specification, page 15, lines 10-14:

[a]s illustrated in Fig. 4, a commodity order-taking apparatus according to a first embodiment includes an order-taking register 41 and a mark reader 43, which are connected together through a communication cable 42.

In the present invention, the order is electronically processed by reading the order with the reader and entering the read data into the register, which includes a CPU, as described on page 15, lines 15-17. Accordingly, claims 1 and 11 apply, involve, use and advance the technological arts.

Claims 1 and 11 recite recording an order on a slip from a customer in advance of data entry of such order at an order window, passing the slip from the customer to the order window when the customer arrives at the window, data entry of the order contents, and finally identifying a customer at the order window with order content data entered into the register. Thus, order information taken in advance of receipt at an order window ultimately is matched up with the customer upon arrival of the customer at the order window.

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Accordingly, claims 1 and 11 produce a useful, concrete and tangible result.

Reconsideration and withdrawal of the rejection are respectfully requested.

4. Objections were stated to claims 1 and 11. The word "recoded" has been replaced by "recorded", thereby mooting those objections.

5. Claims 1 and 11 were rejected 35 U.S.C. §103(a) over Iguchi U.S. Patent 5,589,676 and Withrow U.S. Patent 6,155,505.

The presently claimed commodity order-taking method includes (1) recording the order on a slip in advance of data entry of such order at an order window, (2) passing the recorded slip to the order window, (3) reading with a reader the passed slip at the order window, and (4) entering data recorded on the slip into a register and identifying a customer at the order window with the order content data entered into the register. This method is nowhere disclosed or suggested in the cited references.

The Office Action cites Iguchi '676, column 2, lines 11-17, as allegedly disclosing applicant's claimed method except

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for use of a reader to read the slip, and cites Withrow '505 as allegedly teaching same.

However, Iguchi '676 does not disclose applicants' sequence of steps (1)-(4) described above herein. Instead, Iguchi '676 merely discloses data entry at the order-taking position, which is not expressly stated to identify the customer with the contents of the order. In contrast, applicants' claims 1 and 11 recite a preliminary non-data entry type order-taking step at a first position, followed by data entry at a later position where the order is identified with the customer. Thus, while both systems perform taking the order and entering the order into a system, they do so at different times in the order-taking sequence, with differing total numbers of steps of the entire methods. Also, only applicants' method provides for "advance" order taking that occurs ahead of actual data-entry, thereby allowing customers to fill out order slips in advance of a later data entry step.

Withrow '505 teaches use of a reader to read the slip. However, Withrow '505 does not provide the deficiencies of Iguchi '676 described herein.

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For the foregoing reasons, neither Iguchi '676 nor Withrow '505 contains any teaching, suggestion, reason, motivation or incentive that would have led one of ordinary skill in the art to applicants' claimed invention. Nor is there any disclosure or teaching in either of these references that would have suggested the desirability of combining any portions thereof effectively to anticipate or suggest applicants' presently claimed invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

All claims 1 and 11 are now proper in form and patentably distinguished over all grounds of rejection stated in the Office Action. Accordingly, allowance of all claims 1 and 11 is respectfully requested.


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Should the Examiner deem that any further action by the applicants would be desirable to place this application in even better condition for issue, the Examiner is requested to telephone applicants' undersigned representatives.

Respectfully submitted,

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RWP:RNW/mhs

Attachments: 3 annotated sheets showing changes-Figs. 28-30  
3 replacement sheets-Figs. 28-30

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